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First Named Inventor	Scallie
Art Unit	3713
Examiner Name	JONES, SCOTT E.
Attorney Docket Number	AC-002-US

ENCLOSURES *(Check all that apply)*

- [✓] Fee Transmittal Form
- [✓] Fee Attached
- [ ] Amendment/Reply
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  - [ ] Affidavits/declaration(s)
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Remarks

APPEAL BRIEF (12 pages) and PTOL-2038

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Rosenfeld Law Corporation		
Signature	//Mitchell S. Rosenfeld//		
Printed name	Mitchell S. Rosenfeld		
Date	February 25, 2006	Reg. No.	36,258

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:	LAURENT SCALLIE	EXAMINER:	JONES, SCOTT E.
APPLICATION NO.:	10/011,023	ART UNIT:	3713
FILED:	NOVEMBER 2, 2001		
FOR: MISSION CONTROL FOR GAME PLAYING SATELLITES ON NETWORK			

APPEAL BRIEF

Dear Sir:

In response to the Final Office Action mailed July 27, 2005, Applicant submitted a Notice of Appeal and a Pre-Appeal Brief Review Request on December 26, 2005. A Notice of Panel Decision from Pre-Appeal Brief Review was issued on January 18, 2006. This Appeal Brief is submitted within two (2) months from the Notice of Appeal along with the required fee of $250.

I. REAL PARTY IN INTEREST

The real party in interest is the assignee, Atlantis Cyberspace, Inc.

II. RELATED APPEALS AND INTERFERENCES

None.

III. STATUS OF CLAIMS

Presently, claims 1-15 are canceled, and pending claims 16-25 are rejected.

Claims 16-25 were rejected in the Final Office Action mailed July 27, 2005. The

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pending claims are attached hereto as an Appendix and all are appealed.

IV. STATUS OF AMENDMENTS

Claims 1-14 were filed in the pending application. The first Office Action was mailed March 28, 2003 rejecting all pending claims. An Amendment in response to the first Office Action was filed June 23, 2003 canceling claim 13 and adding claim 15. A second (FINAL) Office Action was mailed August 28, 2003 rejecting all pending claims. A second Amendment and RCE were filed April 5, 2004 canceling all pending claims and adding claims 16-25. A third Office Action was mailed June 14, 2004 rejecting all pending claims. A third Amendment was filed December 14, 2004. In response to the office action dated June 14, 2004 and Notice of Non-Compliant Amendment dated March 11, 2005, the non-compliant section of the third Amendment was corrected and resubmitted. In response to the third Amendment, a fourth (FINAL) Office Action was mailed July 27, 2005 rejecting the pending claims for the second time. A Notice of Appeal and Request for Pre-Appeal Brief Review were filed on December 26, 2005. No Amendments are pending.

V. SUMMARY OF INVENTION

Only one independent claim is involved in the appeal: claim 16. The independent claim is not subject to 35 U.S.C. §112, ¶6. The subject matter defined in the independent claim is summarized below. The summary below includes cross-references to an exemplary embodiment falling within the scope of the claims, however the claim is not limited to or by the embodiments described in the specification and drawings

A. Summary of Claim 16

The invention described in claim 16 is directed to a method of operating a mission control (administration) system for controlling multiple game playing satellite computers on a network. (see generally, figure 1) The method includes (a) providing a mission control computer (10) which operates administrative programs for performing administrative functions for multiple game playing satellite computers (20) on a network (see spec at p. 4, lines 24-28); (b) providing a plurality of game-playing satellite computers (20) connected to the network, each of which maintains a plurality of game programs and game-specific command sets for controlling the play of respective ones of said plurality of game programs (see spec at p. 4, line 24 to p. 5, line 5); (c) storing in each game-specific command set of a satellite computer at least

a game-specific start signal and a game-specific stop signal for starting and stopping a respective game program, respectively, on the satellite computer (see spec at p. 6, lines 15-26); (d) issuing a generic game start signal from the mission control computer (10) to a satellite computer (20) which is indexed to the game-specific start signal of the game-specific command set for a respective game program on the satellite computer in order to cause the game-specific start signal of the game-specific command set to be issued by the satellite computer (20) for starting the game program (see spec at p. 9, lines 19 to p. 10, line 11); and (e) enabling the game program once started to be played on the satellite computer (20) by local game-specific command inputs of a game player to the satellite computer (20) (see spec at p. 9, lines 19 to p. 10, line 11). The generic command signals can be issued by the mission control computer (10) to control the administration of game programs played on any of the satellite computers (20), while enabling local game-specific command inputs to be used by a game player to control the playing of a game program on the satellite computer (20). (see spec at p. 5. lines 2-7 and p. 6, lines 15-26)

VI. GROUNDS TO BE REVIEWED ON APPEAL

A. Whether the Examiner has met the burden of proving that claims 16 and 21 are anticipated by Wain (US 4,335,809).

B. Whether the Examiner has met the burden of proving that claims 18, 19, 22, 24 and 25 are obvious over Wain in view of Ehrman (US 5,984,786).

C. Whether the Examiner has met the burden of proving that claims 17 and 23 are obvious over Wain in view of Acres (US 6,431,983).

D. Whether the Examiner has met the burden of proving that claim 20 is obvious over Wain in view of Acres and further in view of Ehrman.

VII. ARGUMENT

Claims 16-25 are currently pending, all of which have been rejected. In particular, claims 16 and 21 are rejected under 35 U.S.C. §102(b) as being anticipated by Wain (US 4,335,809); claims 18, 19, 22, 24 and 25 are rejected under 35 U.S.C. §103(a) as being unpatentable over Wain in view of Ehrman (US 5,984,786); claims 17 and 23 are rejected under 35 U.S.C. §103(a) as being unpatentable over Wain in view of Acres (US 6,431,983); and claim 20 is rejected under 35 U.S.C. §103(a) as being unpatentable over Wain in view of Acres and

further in view of Ehrman.

The Examiner relies upon Wain as either the sole or primary reference for rejecting each and every claim. By paraphrasing the text of Wain, the Examiner argues that Wain teaches "machines can be controlled independently or collectively to play one of a plurality of games." While this statement in a vacuum may be substantiated by picking a choosing selected portions from Wain, viewing Wain as a whole paints a different picture.

Fundamental to Wain is the object of providing "an entertainment machine ... with which it is possible in a convenient manner to vary the game can be played therewith." Wain at col. 2, lines 49-56. Wain accomplishes this by connecting a plurality of machines to a main control device via a communications link 2 and allowing the main control device 3 to download software for different games into the RAM device 18 of entertainment machines 1. (See, e.g., col. 6, lines 31-50). Thus, the "control" taught by Wain (see, e.g., col. 3, lines 17-29), must viewed in the context of transmitting and writing different software into the RAM device 18 of each entertainment machine 1. Nowhere does Wain teach that main control device 3 controls the actual "play" of the game in real-time (e.g., controlling the start and stop of game play).

Additionally, Wain fails to provide any teachings in regard to the command sets that must be resident on the entertainment machines. Moreover, Wain does not distinguish between generic and game specific command sets. This is not surprising given that Wain only discusses the need for software residing on the entertainment machines 1 and the manner for delivering that software. Wain goes no further.

A. Claims 16 and 21 are not anticipated by Wain

Wain differs fundamentally from the claimed invention. In particular, the Examiner cites to figure 1, col. 3, lines 17-29, and claim 1 of Wain as teaching step (c) of claim 16: "storing in each game-specific command set of a satellite computer at least a game-specific start signal and a game-specific stop signal for starting and stopping a respective game program, respectively, on the satellite computer." Other than generally making reference to "program information stored in the ROM/PROM and RAM devices 17, 18" to display a particular game, e.g., rotatable drums or discs of a conventional fruit machine, Wain does not address the command sets in the program information, let alone whether the program information includes generic or game specific command sets. (See Wain at col. 5, line 60-col. 6, line 7). It follows that if Wain fails to provide any teachings as to the command sets in general, there certainly is no teaching of *a*

game-specific start signal and a game-specific stop signal as recited in step (c) of claim 16.

As for the portions of Wain cited by the Examiner, no mention is made of command sets, let alone ***a game-specific start signal and a game-specific stop signal.*** The cited text only discusses the general concept of the entertainment machines being controlled independently by the main control device. As previously explained the "control" taught by Wain must be viewed in the context of transmitting and writing different software into the RAM device 18 of each entertainment machine 1. Given the Wain notion of "control," Wain cannot and does not anticipate claim 16.

With respect to step (d) of claim 16, the Examiner cites again to col. 3, lines 17-29 and claim 1 of Wain. In addition to the deficiencies in Wain already discussed, there is no mention in the text cited by the Examiner or elsewhere in Wain of "a generic game start signal ... indexed to the game-specific start signal of the game-specific command set for a respective game program" as recited in step (d) of claim 16. The concept of indexing a generic start signal to the game specific start signal (or indeed any generic to game specific indexing) is foreign to Wain. Again, Wain fails to anticipate claim 16.

In deeming unpersuasive the arguments raised by the Applicant during prosecution, the Examiner misapplies the limited teachings of Wain. The main control device 3 of Wain simply downloads software for different games into the RAM device 18 of entertainment machines 1. (See, e.g., col. 6, lines 31-50). Regardless of how broad the Examiner attempts to interpret the meaning of "generic game start," it is legally impermissible to interpret "generic game start" to include downloading software for different games.

Moreover, the Examiner alleges that the "generic start" is satisfied by "insertion of one or more coins or tokens into a coin mechanism of the machine." (See, July 2005 Office Action at §11) This is in clear contradiction to claim 16, which recites "issuing a generic game start signal from the mission control computer to a satellite computer." Aside from not being a "generic start signal," the coin mechanism of Wain is part of the game machine NOT main control device 3 (See, Wain at figure 1).

The same is true with respect to the "game-specific start signal" for which the Examiner claims is taught in Wain by the act of pulling a lever on a slot machine. (See, July 2005 Office Action at §11) Claim 16 recites "storing in each game-specific command set of a satellite computer at least a game-specific start signal." Assuming *arguendo* that the pulling of a lever on a slot machine is a "game-specific start signal" (which it is not), the pulling of the lever is a

mechanical act initiated by a game player, NOT something stored in each game specific command set.

Turning to the distinction between "generic start" and "specific start," the Examiner points to insertion of coins or tokens (generic start) and pulling the slot machine handle (specific start). These mechanical actions by the game player do not teach the recited language in claim 16:

> issuing a generic game start signal from the mission control computer to a satellite computer which is indexed to the game-specific start signal of the game-specific command set for a respective game program on the satellite computer in order to cause the game-specific start signal of the game-specific command set to be issued by the satellite computer for starting the game program.

Substituting the mechanical actions cited by the Examiner demonstrate the vast difference between the limited teachings of Wain and the recited invention:

> issuing a [coin insertion] signal from the mission control computer to a satellite computer which is indexed to the [handle pull] signal of the game-specific command set for a respective game program on the satellite computer in order to cause the [handle pull] signal of the game-specific command set to be issued by the satellite computer for starting the game program.

Wain does not teach such a relationship between the insertion of coins and pulling of the handle. In fact, the insertion of coins is simply a pre-requisite of game play so that the entertainment establishment in which the Wain device is installed can make money.

For the above reasons, Applicant respectfully submits that claims 16 and 21 are allowable over the relied upon art.

B. Claims 18, 19, 22, 24 and 25 are non-obvious over Wain in view of Ehrman

Turning to Ehrman, the Examiner incorrectly asserts, just as with Wain, that the reference teaches the concept of generic and game specific command sets. As understood, the Examiner likens the object database 36 of Ehrman to the recited generic command set and the rulebase 34 to the recited game specific command set. The object-rule concept of Ehrman is entirely different than the recited generic and game specific command set concept.

As explained in Ehrman (see col. 8, lines 11-54), objects in a checkers game, for example, include the checker pieces, the players, and the board. Rules are the operations to be performed on the objects. The operations include standard mathematical functions, creation and deletion of an object or a property, a print function, the ability to add items to a list and the ability to stop the game. In programming terms, the objects are the variables that are operated upon by the rules. Thus, the objects and rules in Ehrman are related entities, one of which acts upon the other.

In contrast, a generic command set and a game specific command set are both command sets. For example, the recited generic command set and the game specific command set include a game start command. While both command sets include the game start command, the logic for each is different.

The object-rule concept of Ehrman is entirely different than the recited generic and game specific command set concept. For the reasons explained above and those explained in section VII.A, Applicant respectfully submits that claims 18-20, 22, 24 and 25 are allowable over the relied upon art.

C. Claims 17 and 23 are non-obvious over Wain in view of Acres

Claims 17 and 23 depend from claim 16. As demonstrated in section VI.A. above, Wain fails to teach all of the elements recited in claim 16.

Moreover, claims 23 recites that each satellite computer generates a log file for tracking the operation of a game program, and parses the log file for predetermined keywords indicative of desired status information and provides the status information to the mission control computer. Acres, in particular at col. 31, line 9 to col. 32, line 48 as relied upon by the Examiner, fail to teach or suggest such a step.

Acres does teach the parsing of messages at steps 484-486 to determine, for example, if messages are valid and the message type based upon a command code, but fails to teach parsing a log file for predetermined keywords. As described in the specification at p. 7, lines 6-10, examples of keywords include "version", "I am (player)", "playing demo", "excited (level)", and "game over". In contrast, the commands codes of Acres are set codes indicating commands such as requests for data and establishment of new machine addresses.

For the reasons stated above, Applicant respectfully submits that claims 17 and 23 are allowable over the relied upon art.

D. Claim 20 is non-obvious over Wain in view of Acres and further in view of Ehrman

Claim 20 depends from claim 17, which depends from claim 16. As demonstrated in section VI.A. above, Wain fails to teach all of the elements recited in claim 16.

Claim 20 recites that the mission control computer maintains a database of game data based upon status information provided by the satellite computers, and generates one or more administrative reports from the group consisting of: system-wide gaming reports; membership and player statistics; detailed statistics on specific games played by specific players; current status of the system, hardware, and software troubleshooting. In contrast, neither in the sections relied upon by the Examiner (col. 7, line 64 to col. 8, line 10; and col. 8, lines 22-34) nor anywhere in the Erhman reference is there a teaching of the generation of reports of any kind, let alone administrative reports of the particular type recited in claim 20.

The section of Erhman relied upon by the Examiner, in the June 14, 2004 Office Action at ¶10, is directed to communication through chat boxes similar to Internet Relay Chat (IRC) systems. Chat boxes are unrelated to administrative reports. Based on the seemingly irrelevant teachings of Erhman, the Examiner argues that it would have been obvious to incorporate the database features of Erhman in Wain in view of Acres. However, claim 20, in addition to reciting that the mission control computer maintains a database of game data, recites that the mission control computer generates one or more administrative reports. The relied upon sections of Erhman and arguments proffered by the Examiner, fail to address the administrative reports recited in claim 16.

For the reasons stated above, Applicant respectfully submits that claim 16 is allowable over the relied upon art.

Respectfully submitted,

DATE: February 26, 2006

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APPENDIX - LISTING OF CLAIMS

1-15 (Cancelled)

16. (Previously Presented) A method of operating a mission control (administration) system for controlling multiple game playing satellite computers on a network comprising:

(a) providing a mission control computer which operates administrative programs for performing administrative functions for multiple game playing satellite computers on a network;

(b) providing a plurality of game-playing satellite computers connected to the network, each of which maintains a plurality of game programs and game-specific command sets for controlling the play of respective ones of said plurality of game programs;

(c) storing in each game-specific command set of a satellite computer at least a game-specific start signal and a game-specific stop signal for starting and stopping a respective game program, respectively, on the satellite computer;

(d) issuing a generic game start signal from the mission control computer to a satellite computer which is indexed to the game-specific start signal of the game-specific command set for a respective game program on the satellite computer in order to cause the game-specific start signal of the game-specific command set to be issued by the satellite computer for starting the game program;

(e) enabling the game program once started to be played on the satellite computer by local game-specific command inputs of a game player to the satellite computer; and

whereby generic command signals can be issued by the mission control computer to control the administration of game programs played on any of the satellite computers, while enabling local game-specific command inputs to be used by a game player to control the playing of a game program on the satellite computer.

17. (Previously Presented) A method of operating a mission control system according to Claim 16, further comprising generating with the playing of each game program on a satellite computer one or more of the following sources of information for tracking the operation of the game program, and parsing said source of information for desired status information and providing it to the mission control computer: game log files; dialog boxes or

windows opened by the game program; messages from the Notification API; and a method used by the game program for external communications.

18. (Previously Presented) A method of operating a mission control system according to Claim 16, further comprising providing each satellite computer a local control program and a database of game-specific command sets for each of the game programs offered on the satellite computer, such that when a generic game-start signal is issued by the mission control computer to the satellite computer, the local control program of the satellite computer loads the corresponding game-specific command set from its database to operate the game program.

19. (Previously Presented) A method of operating a mission control system according to Claim 16, wherein each game-specific command set contains game-specific control codes derived by analyzing each game program and determining its configuration for at least a game-specific start signal for the given game program.

20. (Previously Presented) A method of operating a mission control system according to Claim 17, wherein said mission control computer maintains a database of game data based upon status information provided by the satellite computers, and generates one or more administrative reports from the group consisting of: system-wide gaming reports; membership and player statistics; detailed statistics on specific games played by specific players; current status of the system, hardware, and software troubleshooting.

21. (Previously Presented) A method of operating a mission control system according to Claim 16, wherein a plurality of mission control computers are maintained at respective mission control sites and are connected via a network to a network server that provides an online interface to the mission control computers for remote access by players.

22. (Previously Presented) A method of operating a mission control system according to Claim 21, wherein said online interface of said network server allows players to perform one or more activities of the group consisting of: looking up statistics for game programs they have played; seeing the status of game programs being played by other players;

seeing statistics for comparison to game programs played at other mission control sites; downloading statistics for their own later use; maintaining their accounts; joining or maintaining their status with a group of players; and communicating with other players.

23. (Previously Presented) A method of operating a mission control system according to Claim 17, wherein each satellite computer generates a log file for tracking the operation of a game program, and parses the log file for predetermined keywords indicative of desired status information and provides the status information to the mission control computer.

24. (Previously Presented) A method of operating a mission control system according to Claim 19, wherein the game-specific control codes for the game-specific command set for a game program are configured based upon one of the group of game command architecture types consisting of: keystrokes; http commands; TCP/IP commands; writing files; control APIs; and serial communications protocols.

25. (Previously Presented) A method of operating a mission control system according to Claim 19, further comprising issuing a generic game stop signal from the mission control computer to the satellite computer indexed to the game-specific stop signal of the game-specific command set for the game program in order to cause the game-specific stop signal of the game-specific command set to be issued by the satellite computer for stopping the game program.